

G. PRESENTING THE CASE AT HEARING**CLARIFYING INFORMATION:**

1. See WAC 388-08-425 for the responsibilities of the Administrative Law Judge.
2. The case is presented to the ALJ and generally consists of the following sections:
 - Opening statement
 - Presentation of the evidence
 - Closing statement
3. The ALJ's decision can only consider evidence, including documents that have been formally entered into the record of the hearing.
4. Either the client or the department may object to the admission of any document into the record. The ALJ will usually rule immediately regarding an objection.
5. An objection should be raised if a document:
 - a. Has been altered, or
 - b. Is not what it is purported to be, or
 - c. Is not relevant to the issue for hearing e.g. A medical report, which is not current.

FHC RESPONSIBILITIES

1. Prepare the opening statement:
 - a. Identify the action or decision being contested;
 - b. Explain the circumstances which led to the action or decision;
 - c. Cite the specific regulation or statute which was applied in the decision; and

- d Explain how the documents and the witnesses if any will provide evidence to support the department position.

2. Present the evidence:

- a. Introduce documentary evidence; explain how it relates to the facts of the case.
- b. Introduce and question witnesses. Ask questions that allow the witness to explain what he or she knows about the case.
- c. Present material in an orderly, logical manner. Consider if it is best to present the case in chronological sequence.
- d. Explain how the department came to know the facts of the case.
- e. Explain the reasons for the decision and the regulations and/or statutes which support the decision.
- f. Show the steps taken to comply with regulations and notice requirements.
- g. Explain actions taken after the hearing was requested, including whether or not a pre-hearing conference was held. If a pre-hearing conference was not held, be prepared to document department attempts to contact the client before the hearing.

3. Closing Statement:

Briefly summarize the department's view of the case and review the regulations/statutes which support the department actions. If appropriate, respond to new information raised by the client during the hearing. It is also appropriate to request that the department be allowed additional time to respond if new evidence is extensive or raises issues which were not in the original hearing request.